



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,799	10/17/2000	Jeffry Batio	1558.011	3187

7590
Marvin N. Benn
Hamman & Benn
Suite 3300
10 S. LaSalle Street
Chicago, IL 60603

11/15/2002

EXAMINER

AWAD, AMR A

ART UNIT PAPER NUMBER

2675

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/690,799

Applicant(s)

BATIO, JEFFRY

Examiner

Amr Awad

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because of the problems stated by the Draftsperson in the attached PTO-948. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms, which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the drawings are only described in the brief description of the drawings. There is no other description of the drawing in the specification. The drawing has to be described in detail so that examiner can relate the specification to the drawings. It is also noted by the examiner that the limitations of the claims have to be shown on the drawings which is not clear to the examiner because no detail description to the drawings in the specification. The specification also includes marked-up copy and not a clean copy. The marked-up copy includes some alterations and additions to the specification. The examiner respectfully requests a clean copy. The last paragraph of page 36 of applicant's specifications states "As is first described on page 5 of the application," it is not proper to refer to a certain page in the specification

Art Unit: 2675

since in case of having the application allowed; a different print will switch the page numbers. In conclusion, the specification, the drawings and the claims seem to be unconnected to each other because as discussed above, the drawings are not described in detail and therefore, the claims are not clearly described in the enlightenment of the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "one said planes" in line 16. There is insufficient antecedent basis for this limitation in the claim. Examiner will assume that it is changed to --in one of said at least two planes--. In lines 20-23 recite "said second pivot mount allowing rotation of said display-screen in the other of said planes so that said display screen may assume one of the portrait orientation and landscape orientation". It is not clear what is "the other said planes" is referring to. It is not clear whether the second pivot mount is able to rotate the display screen in two plans (as recited in lines 17-19 of the claim) or in one plane (as indicated in lines 20-23). Having the drawings of the application not including detail description does not help the examiner to clearly interpret the claim. As best understood by the examiner, the first pivot mount is used for pivotally mounting the display screen to the main frame in one of

Art Unit: 2675

at least two planes, and the second pivot mount is used for allowing rotation of the display screen in the other plane of the at least two plans. Examiner will assume such interpretation for the purpose of examining the claim on the merit. The examiner respectfully requests a correction or clarification.

5. Regarding claim 9, the phrase "and the like" in the last line, renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 2-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Huilgol et al. (US patent NO. 5,708,561; hereinafter referred to as Huilgol).

As to independent claim 2, Huilgol (figure 1) teaches a portable computer (10) having a main frame (20) and a display screen means (display 14 and cover 12 and rearward portion) (col. 4, line 63 through col. 5, line 2). Huilgol teaches that the display screen means comprising a pivot mounting means operatively connected to a portion of the main frame (for that, Huilgol shows that the cover (12) comprises a second rearward

Art Unit: 2675

portion 32 which is pivotally connected to the base 20) (col. 5, lines 34-37), and a pivotal display screen (14) rotatably coupled to the main frame (20) (col. 4, line 65 through col. 5, line 2). Huilgol teaches that the pivot mount-mounting means mounting the display screen for rotation in at least two planes, the two planes being perpendicular to each other (the first plan is the plan created by closing and opening the display screen, and the second plane is the plan created by rotating the display as seen in figure 1 and then figure 10) (col. 5, lines 26-33 and abstract). Huilgol teaches a mounting arm (facing portion 32) having a first end connected to a portion (connected mechanism portion 16) of the main frame (figure 1 and col. 5, lines 34-37), and a second end connected to a portion of the display screen means (figure 2 shows the cover 12 which is connected to the screen 14, and a swivel (pivot) arrangement 28 that connect the mounting arm 32 to the display 14) (col. 5, lines 24-28), and further comprising a first pivot mount for pivotally mounting the display screen to the main frame (col. 4, line 65 to col. 5, line 2) and second pivot (swivel 28) for pivotally mounting the display screen for movement in both planes (col. 5, lines 24-33), wherein the pivot mount allowing the rotation of the display screen in the other plane so that display screen may assume one of portrait orientation and landscape orientation (col. 5, lines 24-33).

As to claim 3, as best understood by the examiner, Huilgol (figures 1, 4 and 10) shows that one of the two planes is the one created when closing and opening the computer (which is vertical) and the other is the one created by rotating the display between the portrait and the landscape orientation (which is vertical orientation).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Moscovitch et al. (US patent NO. 6,343,006; hereinafter referred to as Moscovitch).

As to independent claim 14, Moscovitch (figures 26-27) teaches a portable computer that includes a display screen means (12A and 12B) including first pivot-mounting means (hinged along line 134) connected to a portion of a main frame (computer C), the display-means comprising an upper (12B) and a lower display screen (12A), each one having a lower edge surface and an upper edge surface, the lower display screen having pivotally connected (first pivot; Moscovitch refers to it as hinged) to the main frame, and the second display (12B) is pivotally (second pivot, Moscovitch refers to it as hinged) connected to the top edge of the first display (12A), the second

Art Unit: 2675

pivot mounting means allowing rotation of the upper display screen relative to the lower display screen in one direction and preventing the rotation in the other opposite direction, whereby the upper display may be oriented with the lower display screen in the same plane in order to provide an enlarged display area (as can be seen from figures 26-27, the first and second display are connected together, and the second display is rotated (figure 27) in one direction and prevented from rotating in the second direction (figure 26) to enlarge the display area) (col. 10, lines 19-33). Moscovitch also that the upper display screen may be oriented facing away from the lower display screen so that visual displays may be viewed from either side (figure 27), and the upper edge of the upper display screen serving as a support resting on a support surface when the display screen are oriented facing away from each other (col. 10, lines 26-33).

As to claim 15, as can be seen from figures 26-27, the lower display (12A) is connected to the main frame (computer C) and the main frame is serving as a rest (portable computer inherently supports the display on the main frame), and as can be also seen from the same figures, the rotation of the first pivot (the connection between the main frame and the lower display) is fairly close to 180 degrees rotation (see also figures 28).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2675

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huilgol in view of Winkler (US patent NO. 5,345,362).

As to claim 4, note the discussion of Huilgol with respect to claim 2. As can be seen Huilgol teaches all the limitations of claim 4 except the citation that the main frame includes a hollow compartment in which the display screen may be stored, and wherein each of the first and second mounts allowing the mounting arm to rotate in one plane in order to position the display screen over the hollow compartment of the main frame for storage and transporting.

However, Winkler (figures 8, 11-13 and 14a-14c) teaches a portable computer (10) that includes a hollow compartment (the hollow space where the display 16 can be stored; seen specifically in figures 11-13 where the display is in open position, and seen in figure 14a where the display is stored in the compartment) (col. 8, lines 4-12 and lines 28-29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Winkler, having a compartment to store the display so that as motivated by Winkler, display can be fold down and stored when the device is not used or transported (col. 3, lines 65-68). Furthermore, as can be seen in figures 8 and 11-13, having the hollow space (compartment) can be used to articulate the display in different viewing angles (abstract).

Art Unit: 2675

As to claim 5, as best understood by the examiner, Huilgol (figures 1, 4 and 10) shows that one of the two planes is the one created when closing and opening the computer (which is vertical) and the other is the one created by rotating the display between the portrait and the landscape orientation (which is vertical orientation).

As to claim 7, as can be seen above, Huilgol (figures 1 and 10) shows that the display used as a cover top to the portable computer, but does not teach that the display screen can be used as a top cover to the hollow compartment.

However, as can be seen, Winkler (figures 1 and 8) shows the display being used to cover the hollow compartment.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Winkler, having a compartment to store the display so as motivated by Winkler, display can be fold down and stored when the device is not used or transported (col. 3, lines 65-68).

As to claim 8, Huilgol does not expressly teach storing the keyboard (22) in a hollow compartment. However, as can be seen above, Winkler shows having a compartment to store the display. Therefore, if the teaching of Winkler of having a hollow space under the display is applied to Huilgol's device, it will also store the keyboard.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Winkler having hollow compartment to be used in Huilgol's device to store both the display and the keyboard, so as

Art Unit: 2675

motivated by Winkler, display can be fold down and stored when the device is not used or transported (col. 3, lines 65-68).

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huilgol in view of Janik et al. (US patent NO. 6,256,193; hereinafter referred to as Janik).

As to claim 6, Huilgol does not specifically teach an angular support means being moveable for providing support to the main frame for positioning the bottom surface of the main frame in an upwardly tilted orientation, whereby the display screen may be oriented for display during use.

However, Janik (figures 8a and 8b) show a portable computer (12) that includes a main frame (18) having a bottom surface (the bottom of the computer) and a docking plate (34) connected to the bottom surface and able to incline the portable computer in an upwardly tilted orientation (abstract and col. 6, lines 8-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Janik having a docking positioning device (10) to be incorporated to Huilgol's device so as motivated by Janik, the support member (10) can be rotated in multiple angle positions relative to the base housing, and therefore, elevate the display to a comfortable viewing position and increasing the space efficiency of the desktop, and to provide a maximum ergonomic and computational performance (col. 3, lines 5-10).

Art Unit: 2675

13. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karidis et al. (US patent NO. 6,362,440; hereinafter referred to as Karidis) in view of Janik.

As to independent claim 9, Karidis (figure 1) teaches a portable computer (100) that includes a main frame ((computer body), a display screen means (202), pivot mount (210) operatively connected to a portion of the main body, the display means includes one display screen (202) rotatably coupled to the main frame (col. 6, lines 18-27). The pivot mounting means mounting the display screen for rotation in at least one plane, and comprising a pivot mount providing at least 180 degrees of movement to the display-screen (for that, as can be seen in figures 9, 11 and 13) shown the display in different rotations, either by having completely closed (figure 11) or completely open (figures 13 and 16)). Karidis teaches a horizontal hollow compartment (figure 11 shown the display stored inside), and wherein the display can be rotated in different angles (the display rotates between closing position and opening position in different angles). As can be also seen in figures 10 and 11, the display (202) when stored in the hollow compartment, a document (papers 150) can be stored in the hollow compartment.

Karidis does not expressly teach a bottom surface and an angular support means connected to the bottom surface, wherein the angular support means being moveable for providing a support to the main frame for positioning the bottom surface of the main frame in upwardly-oriented orientation.

However, Janik (figures 8a and 8b) show a portable computer (12) that includes a main frame (18) having a bottom surface (the bottom of the computer) and a docking

Art Unit: 2675

plate (34) connected to the bottom surface and able to incline the portable computer in an upwardly tilted orientation (abstract and col. 6, lines 8-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Janik having a docking positioning device (10) to be incorporated to Karidis's device so as motivated by Janik, the support member (10) can be rotated in multiple angle positions relative to the base housing, and therefore, elevate the display to a comfortable viewing position and increasing the space efficiency of the desktop, and to provide a maximum ergonomic and computational performance (col. 3, lines 5-10).

As to claim 10, as can be seen in figures 11-12; the display screen (202) is serving as a top cover for the device.

As to claim 11, as can be seen in figure 11; the portable computer (500) includes a keyboard (204) stored inside a hollow compartment (also figure 9 shows the keyboard being stored and removed from the hollow compartment).

As to independent claim 12, the claim limitations are substantially similar to the limitations disclosed in independent claim 9, and will be analyzed as previously discussed with respect to claim 9.

As to claim 13, as can be seen in figure 11; the portable computer (500) includes a keyboard (204) stored inside a hollow compartment (also figure 9 shows the keyboard being stored and removed from the hollow compartment).

Aft Unit: 2675

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomas et al. (US patent NO. 5,206,790) teaches a pivot and swivel mechanism for lap top display.

Batio (US patent NO. 5,949,643) teaches a portable computer having a split keyboard and pivotal display screen halves.

Hamon (US patent NO. 6,233,139) teaches a display apparatus that allows the display to rotate between landscape and portrait orientations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703) 308-8485. The examiner can normally be reached on Monday-Friday, between 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras can be reached on (703) 305-9720. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



A.A.
November 12, 2002